Joseph V. Womack US Bank Building 805 303 North Broadway Billings, Montana 59101 Telephone: (406) 252-7200 Facsimile: (406) 252-4266 Email: jwomack@jvwlaw.com

Attorney No. 2641

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF MONTANA

IN RE:	
INCREDIBLE AUTO SALES, LLC	Case No. <u>06-60855-7</u>
Debtor(s).	

NOTICE OF TRUSTEE'S INTENT TO ABANDON PROPERTY

TO: THE UNITED STATES TRUSTEE, DEBTOR(S), AND PARTIES IN INTEREST:

Notice pursuant to 11 U.S.C. 554(a) is hereby given that the Trustee of the above-named Debtors estate intends to abandon the following property as burdensome and of inconsequential value to the estate:

1. <u>Description of Property</u>: Income received as a result of Honorable Judge Ralph B. Kirscher's Order directing William L. Needler to disgorge attorney's fees in the amount of \$3,388.31.

Scheduled or Estimated Value: \$3,388.31 (plus interest)

Amount Secured or Exempt: \$0.00 Lienholder Name & Address: n/a

Estimated Liquidation Expenses: n/a

Net Value to Estate: \$0.00

Reason for Abandonment: All attorney's fees and retainers were paid to Mr. Needler in this case by Zsaneece Gutierrez, and not the Debtor. As such, Ms. Gutierrez has made demand for return of the funds to her. Even if said funds are found to be property of the Bankruptcy Estate any distribution of these fund is not

economically viable as the number of claims is so great and disparity between the amount so large that it is not economically viable to administer these funds as the only asset of the estate.

2. <u>Description of Property</u>: The Bankruptcy Estate's interest in the claim against United Car Care, Inc.

<u>Scheduled or Estimated Value</u>: \$502,400.00 (according do Debtor's Schedule B). The Trustee values said claim at 0.

Amount Secured or Exempt: \$0.00

Lienholder Name & Address: n/a

Estimated Liquidation Expenses: n/a

Net Value to Estate: \$0.00

<u>Reason for Abandonment</u>: Trustee has approached 4 different attorneys about pursuing this case on a contingency fee basis because the estate does not hve the funds to pay an attorney on an hourly basis. The Trustee has been unable to find an attorney, who after reviewing the file, believes that the claim is worth pursuing.

NOTICE

If you object to the agreement, you must file a written responsive pleading and request a hearing within fifteen (15) days of the date of the notice. The objecting party shall schedule the hearing and shall include in the caption of the responsive pleading the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING	
Date:	
Time:	
Location:	

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this 23rd day of April, 2008.

WALLER & WOMACK, P.C.

By: /s/ Joseph V. Womack
Joseph V. Womack
Attorney for Trustee

CERTIFICATE OF SERVICE

I hereby certify that I caused to be mailed a true, complete and correct copy of the foregoing to:

Office of the U.S. Trustee

Neal Jensen (Via ECF)

Office of the U.S. Trustee

Daniel McKay (Via ECF)

Incredible Auto Sales, LLC

1832 King Ave West Billings, MT 59102

William L. Needler

555 Skokie Blvd, Ste 500 Northbrook, IL 60062

A-1 Johnson Auto Wrecking

6801 Grand Ave Billings, MT 59106

Ace Electric, Inc

P.O. Box 520

Laurel, MT 59044

ADP Commerical Leasing

15 Waterview Blvd Mail Stop 934

Parsippany, NJ 07054

ADP Dealer Services

18 Centerpointe Dr

Lapalma, CA 90623-1028

American Automotive Supply, Inc

100 PFL Way

Livingston, MT 59047

Americredit

801 Cherry Street Ste 3900

Fort Worth, TX 76102

Archie Cochrane Ford

P.O. Box 80605

Billings, MT 59108

Auto Auction Of Montana

c/o Bruce F. Fain P.O. Box 429

Billings, Montana 59103

Automotive Development Services

504 Evening Star Lane

Bozeman, MT 59715

Benjamin E Terise

1515 Cook Ave

Billings, MT 59102

Billings Auto Auction

P.O. Box 1433

Billings, MT 59103

Cars Direct.Com

909 North Supulveda Blvd, 11th Floor

El Segundo, CA 90245

Cathleen Miller

43 Road 2 A B

Cody, WY 82414

Cheryl Kennedy & Ashley Kennedy

5434 Hwy 312

Billings, MT 59105

Covey Auto Express Inc

1444 El Pinal Dr

Stockton, CA 95205

Credit Service Company, Inc.

P.O. Box 2560

Billings, MT 59103

Dan Austin 2111 4th Ave North Billings, MT 59101

Daniel J Sattler 9028 Painted Horse Ln Wellington, CO 80549

Dealer Services Inc P.O. Box 404 Spearfish, SC 57783

DeFalcon Advertising 195 Wekiva Springs Rd Longwood, FL 32779

Dolphin Capital Corp P.O. Box 605 Moberly, MO 65270

Dorcas F Has Eagle & Clyde N Wing HC 63 Box 5206 Dodson, MT 59524

Duane Kostelecky 1201Ave C Billings, MT 59102

Econo Print P.O. Box 1199 Billings, MT 59103

Enterprise Rent-A-Car/Jeff Lund 446 S 20th St W Billings, MT 59102

Ernest Dutton and LeAnne Dutton, Livingston Marble c/o Jeffery A. Hunnes, Esq. P O Box 1977 Billings MT 59103-1977

Firemaster 6101 Mid Metor Dr, No 5 Ft. Myers, FL 33912 First Advantage Credco P.O. Box 509019 San Diego, CA 92159

Frank Derockbrain & Linda Derockbrain 373 3rd Avenue West McIntosh, SD 57641

Gases Plus P.O. Box 789 Gillette, WY 82717-0789

GE Capital 1010 Thomas Edison Blvd SW Cedar Rapids, IA 52404

GE Commercial Distribution c/o Christian T. Nygren P.O. Box 4947 Missoula, MT 59806

Glacier Transport Inc 320 S 24th Street Billings, MT 59101

Glass Specialists Inc 2905 Millenium Cir Billings, MT 59102

Graham Staunton, Inc c/o Incredible Auto Sales, LLC 1832 King Ave West Billings, MT 59102

Hanser's Automotive And Wrecker Co 430 South Billings Blvd Billings, MT 59101-4703

Hayden Marketing 222 North 32nd St #904 Billings, MT 59101

Hyundai Motor Finance, Co c/o Holland & Hart, LLP P.O. Box 639 Billings, MT 59103 Interstate Batteries Of Billings 1919 Lampman Dr Unit A Billings, MT 59102

IRS P.O. Box 21126 Philadelphia, PA 19114

Kia Motors America, Inc. c/o Jeffrey N. Rich, Esq. 599 Lexington Avenue New York, New York 10022-6030

Jody Stephens 760 Moccasin Trail Billings, MT 59105

KHMT-TV Fox 4 445 S 24th St West Billings, MT 59102

KMS Auto Transport Inc 1444 El Pinal Dr Stockton, CA 95206

KSVI-TV ABC 6 445 S 24th St West Billings, MT 59102

KTVQ Television c/o Szabo Assoc. Inc 3355 Lenox Road, 9th Fl Atlanta, GA 30326

Mada 501 North Sanders Helena, MT 59601

Mobile Appearance Reconditioning Service 703 Shamrock Lane Billings, MT 59105

Molly A Moore & Jonathan J Moore 664 Mecca Dr Billings, MT 59105 MT Dept Of Labor And Industry P.O. Box 6339 Helena, MT 59624

MT Dept Of Revenue Attn: Kim Davis P.O. Box 7701 Helena, MT 59604-7701

Net-Works Ad Agency - d/b/a Auto Pro c/o Incredible Auto Sales, LLC 1832 King Ave West Billings, MT 59102

Nick Gutierrez 3303 Prestwick Road Billings MT 59101

Nuvell Credit Company, LLC c/o Jared M. LeFevre Crowley Law Firm P.O. Box 2529 Billings, MT 59103-2529

Olivia Pentecost 3536 Tigard Billings, MT 59101

Paula Kyhl/American General Fin P.O. Box 176 Ballantine, MT 59006

Planteriors Unlimited P.O. Box 628 Billings, MT 59103

Premier Auto Detail & Supply 552 Constitution Ave Billings, MT 59105

Reply, Inc 12667 Arcosta Blvd San Ramon, CA 94583 Rimrock Pontiac P.O. Box 80208 Billings, MT 59108

Rocky Mountain Auto Body 706 S Billings Blvd Billings, MT 59101

Saftey-Kleen Systems Inc 5400 Legacy Dr Cluster II, Bldg 3 Plano, TX 75024

Scott Lawley & Nancy Lawley 3390 Canyon Dr #D3 Billings, MT 59102

Sign Products,Inc 1425 Monad Road Billings, MT 59101

Staley's Tire & Automotive 1245 Central Avenue Billings, MT 59102

South Seattle Auto Auction c/o Lovell Law Firm P.O. Box 1415 Billings, MT 59103-1415

Steve's Auto Sales, Inc. c/o James A. Patten 2817 2nd Avenue North, Ste. 300 Billings, MT 59101

The Service Source P.O. Box 279 Adrian, MI 49221 Tire Rama - Billings P.O. Box 23509 Billings, MT 59104

Toyota Motor Credit Corporation c/o Pierre L. Bacheller P.O. Box 2078 Billings, MT 59103

Tri-City St Paul Inc P.O. Box 10747 St Paul, MN 55110

United Car Care P.O. Box 3988 Greenwood Village, CO 80155

United Care Care c/o Doug James P. O. Box 2559 Billings, Montana 59103-2559

United Parcel Service/RMS Bank. Rec. P.O. Box 4396 Timonium, MD 21094

US Dept Of Labor 1100 Main St, Ste 1200 Kansas City, MO 64105

WFS Financial, Inc P.O. Box 25341 Santa Ana, CA 92799-5341

Zoe Auto Sales 701 E Lincoln Way Cheyene, WY 82002

this 23rd day of April, 2008.

By: /s/ Ashley Anvik
Ashley Anvik
Legal Asst. to Trustee